

REMARKS

Claims 1-14 are pending in the present application. The outstanding Office communication urges that applicants' previous response omitted arguments pointing out specific distinctions believed to render the newly presented claims patentable over any applied references.¹ While applicants respectfully disagree, the following comments are submitted to emphasize distinctions between the cited references and the invention claimed.

Claim 11 recites a plication driver for a suture anchor having, *inter alia*, "a distally open-ended slot formed as a narrow, elongate opening through a wall of the shaft adjacent the recess." These features are not taught or suggested by Fucci et al. The slot 77 disclosed by Fucci et al. is not "a distally open-ended slot formed as a narrow, elongate opening through a wall of the shaft adjacent the recess." Instead, the instrument disclosed by Fucci et al. features, for example, implant retaining portion 14 formed distally, while slot 77 is formed proximally. Fucci et al. does not anticipate or render obvious the present invention as recited in claim 11. Claims 12-14 depend from claim 11, and are patentable over Fucci et al. for at least the same reasons.

Regarding the remaining applied references, U.S. Pat. No. 6,641,597 to Burkhart et al. is not prior art to the present application. U.S. Pat. No. 5,964,783 to Grafton et al. and European Patent Application EP 0 916 312 to Grafton et al. relate to threaded suture anchors, and in any event do not disclose or suggest a plication driver having "a distally open-ended slot formed as a narrow, elongate opening through a wall of the shaft adjacent the recess."

¹ New claims 10-14 were newly-presented in applicants' previous response. New claim 10 depends from claim 9, as noted in applicant's previous response.

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The pending application is considered to be in condition for allowance.

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